

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2005

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NATIONAL MEAT ASSOCIATION,

Defendant-Intervenor -
Appellant,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE, Animal and Plant
Health Inspection Service; et al.,

Defendants - Appellees,

and,

RANCHERS CATTLEMEN ACTION
LEGAL FUND UNITED
STOCKGROWERS OF AMERICA,

Plaintiff - Appellee.

No. 05-35214

D.C. No. CV-05-00006-RFC
District of Montana,
Billings

RANCHERS CATTLEMEN ACTION
LEGAL FUND UNITED
STOCKGROWERS OF AMERICA,

Plaintiff - Appellee,

v.

No. 05-35264

D.C. No. CV-05-00006-RFC
District of Montana,
Billings

05-35214, 05-35264

UNITED STATES DEPARTMENT OF
AGRICULTURE, Animal and Plant
Health Inspection Service; et al.,

Defendants - Appellants.

ORDER

Appeal no. 05-35264, filed March 17, 2005, is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply to no. 05-35264.

If they have not already done so, within 7 calendar days of the filing date of this order, the parties in no. 05-35264 shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court which will be included in the record on appeal.

The briefing schedule for no. 05-35264 is set as follows: the opening brief is due not later than April 14, 2005; the answering brief is due May 12, 2005, or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days of service of the answering brief. *See* 9th Cir. R. 3-3(b). If appellants in no. 05-35264 fail to file timely the opening brief, appeal no. 05-35264 will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

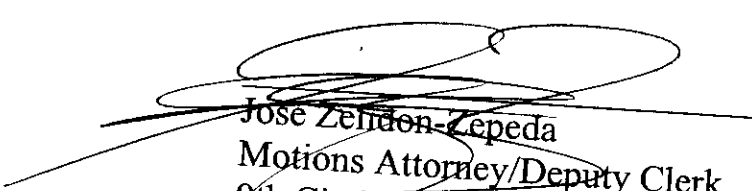
05-35214, 05-35264

The court has received the National Meat Association's motion for leave to file administrative record in electronic format, filed in no. 05-35214. National Meat Association's motion is denied.

The briefing schedule established March 11, 2005 for no. 05-35214 shall remain in effect for that appeal.

To the extent practicable, these appeals shall be placed before the same merits panel for disposition.

For the Court



Jose Zenden-Zepeda
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A